

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of
CEMENT MASONS' PENSION TRUST FUND -
DETROIT & VICINITY; BRICKLAYERS &
TROWEL TRADES INTERNATIONAL PENSION FUND;
CEMENT MASONS' VACATION & HOLIDAY TRUST
FUND - DETROIT & VICINITY; OUTSTATE MICHIGAN
TROWEL TRADES HEALTH AND WELFARE FUND;
PLASTERERS LOCAL 67 PENSION TRUST FUND;
and GREATER DETROIT CEMENT MASONS' JOINT
APPRENTICESHIP COMMITTEE; trust funds
established and administered pursuant to federal law,

Plaintiffs,

Case No. 08-13084
HON. PATRICK J. DUGGAN

v.

HOLLY CEMENT COMPANY,

Defendant,

v.

HUNTINGTON BANKS OF MICHIGAN,

Garnishee-Defendant.

**CONSENT ORDER REGARDING
DISPOSITION OF GARNISHMENT PROCEEDS**

The parties hereto state as follows:

1. This Court issued a writ of garnishment on January 29, 2009, against garnishee-defendant Huntington Banks of Michigan (document 25), in the amount of \$13,622.14.
2. After the garnishment was issued, but before the garnishment was served on Huntington Banks of Michigan, defendant Holly Cement remitted a payment to be applied against the judgment debt.

3. The writ of garnishment attached the \$13,622.14 in the account of defendant Holly Cement Company ("Garnished Funds"). (See document 36.)

4. After taking into account the payment received by plaintiffs after the garnishment was issued and another payment made by defendant prior to entry of judgment, the current amount due on the judgment entered on August 21, 2008, including post-judgment interest, \$6,626.36.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

The \$13,622.14 in Garnished Funds currently held by garnishee-defendant Huntington Banks of Michigan and subject to the writ of garnishment issued against garnishee-defendant Huntington Banks shall immediately be disbursed. The judgment balance, \$6,626.36, shall be disbursed to plaintiffs, the Cement Masons Fringe Benefit Funds, c/o Erman, Teicher, Miller, Zucker & Freedman, P.C., 400 Galleria Officentre, Ste 444, Southfield, Michigan 48034, Attn: Craig E. Zucker. The balance of the Garnished Funds, \$6,995.78, shall immediately be released to Holly Cement.

S/Patrick J. Duggan

UNITED STATES DISTRICT JUDGE

Dated: March 5, 2009

Stipulated and agreed to:

SACHS WALDMAN, P.C.

HOLLY CEMENT COMPANY

s/ Amy Bachelder

AMY BACHELDER (P26401)
Counsel for the Cement Masons
Fringe Benefit Funds
1000 Farmer St.
Detroit, Michigan 48226
Telephone (313) 965-3464
E-mail: abachelder@sachswaldman.com

LAURA IACONELLI DIERDORF
Its: Secretary
28218 Shady Lane Drive
Farmington Hills, MI 48336

Dated: March 5, 2009

Dated: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of
CEMENT MASONS' PENSION TRUST FUND -
DETROIT & VICINITY; BRICKLAYERS &
TROWEL TRADES INTERNATIONAL PENSION FUND;
CEMENT MASONS' VACATION & HOLIDAY TRUST
FUND - DETROIT & VICINITY; OUTSTATE MICHIGAN
TROWEL TRADES HEALTH AND WELFARE FUND;
PLASTERERS LOCAL 67 PENSION TRUST FUND;
and GREATER DETROIT CEMENT MASONS' JOINT
APPRENTICESHIP COMMITTEE; trust funds
established and administered pursuant to federal law.

Plaintiffs,

Case No. 08-13084
HON. PATRICK J. DUGGAN

v.

HOLLY CEMENT COMPANY,

Defendant,

v.

HUNTINGTON BANKS OF MICHIGAN,

Garnishee-Defendant.

**CONSENT ORDER REGARDING
DISPOSITION OF GARNISHMENT PROCEEDS**

The parties hereto state as follows:

1. This Court issued a writ of garnishment on January 29, 2009, against garnishee-defendant Huntington Banks of Michigan (document 25), in the amount of \$13,622.14.
2. After the garnishment was issued, but before the garnishment was served on Huntington Banks of Michigan, defendant Holly Cement remitted a payment to be applied against the judgment debt.

3. The writ of garnishment attached the \$13,622.14 in the account of defendant Holly Cement Company ("Garnished Funds"). (See document 36.)

4. After taking into account the payment received by plaintiffs after the garnishment was issued and another payment made by defendant prior to entry of judgment, the current amount due on the judgment entered on August 21, 2008, including post-judgment interest, \$6,626.36.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

The \$13,622.14 in Garnished Funds currently held by garnishee-defendant Huntington Banks of Michigan and subject to the writ of garnishment issued against garnishee-defendant Huntington Banks shall immediately be disbursed. The judgment balance, \$6,626.36, shall be disbursed to plaintiffs, the Cement Masons Fringe Benefit Funds, c/o Erman, Teicher, Miller, Zucker & Freedman, P.C., 400 Galleria Officentre, Ste 444, Southfield, Michigan 48034, Attn: Craig E. Zucker. The balance of the Garnished Funds, \$6,995.78, shall immediately be released to Holly Cement.

UNITED STATES DISTRICT JUDGE

Dated: _____

Stipulated and agreed to:

ERMAN, TEICHER, MILLER,
ZUCKER & FREEDMAN, P.C.

CRAIG E. ZUCKER (P39907)
Counsel for the Cement Masons
Fringe Benefit Funds
400 Galleria Officentre, Suite 444
Southfield, Michigan 48034
Telephone (248) 827-4100
E-mail: czucker@ermanteicher.com
Dated: _____

HOLLY CEMENT COMPANY


LAURA IACONELLI DIERDORE

Its: Secretary
28218 Shady Lane Drive
Farmington Hills, MI 48336

Dated: 3/4/09